

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES BROWN,

Plaintiff,

v.

S.H. WONG,

Defendant.

Case No. 2:20-cv-01673-JAM-JDP (PC)

ORDER REFERRING CASE TO POST-  
SCREENING ADR PROJECT AND  
STAYING CASE FOR 120 DAYS

Plaintiff is a state prisoner proceeding without counsel. Defendant has answered the complaint.

I am referring all post-screening civil rights cases filed by pro se state inmates to the Post-Screening ADR (Alternative Dispute Resolution) Project in an effort to resolve such cases more expeditiously and less expensively. Defense counsel from the Office of the California Attorney General has agreed to participate in this pilot project. No defenses or objections shall be waived by their participation.

As set forth in the screening order, plaintiff has stated a potentially cognizable civil rights claim. Thus, the court stays this action for a period of 120 days to allow the parties to investigate plaintiff's claims, meet and confer, and then participate in a settlement conference.

1 Accordingly, this case is set for a settlement conference before Magistrate Judge Dennis  
2 M. Cota on February 25, 2021 at 9:30 a.m., via Zoom videoconferencing software.<sup>1</sup> No later than  
3 thirty days before the settlement conference, defense counsel shall provide Judge Cota's  
4 Courtroom Deputy the email contact information for all of the parties that will be appearing at the  
5 settlement conference.<sup>2</sup> All appearing parties, with the exception of plaintiff, will be notified via  
6 email of the meeting information prior to the settlement conference. Plaintiff's attendance will be  
7 secured through the litigation coordinator at plaintiff's institution.

8 There is a presumption that all post-screening prisoner civil rights cases assigned to the  
9 undersigned will proceed to settlement conference.<sup>3</sup> However, if after investigating plaintiff's  
10 claims and speaking with plaintiff, and after conferring with defense counsel's supervisor,  
11 defense counsel in good faith finds that a settlement conference would be a waste of resources,  
12 defense counsel may move to opt out of this pilot project. A motion to opt out must be filed  
13 within sixty days of the date of this order.

14 At least seven days prior to the conference, the parties shall submit to the settlement judge  
15 a confidential settlement conference statement. The parties' confidential settlement conference  
16 statements shall include the following: (a) names and locations of the parties; (b) a short  
17 statement of the facts and alleged damages; (c) a short procedural history; (d) an analysis of the  
18 risk of liability, including a discussion of the efforts made to investigate the allegations; and (e) a  
19 discussion of the efforts that have been made to settle the case. Defendant shall e-mail the  
20 settlement conference statement to Magistrate Judge Dennis M. Cota at  
21 dmccorders@caed.uscourts.gov. Plaintiff shall place his settlement conference statement in the  
22 U.S. mail addressed to United States Magistrate Judge Dennis M. Cota, Redding Federal  
23 Courthouse, 2986 Bechelli Lane, Redding, CA 96002. Plaintiff shall mail his settlement  
24 conference statement so that it is received by the court at least seven days before the settlement  
25 conference.

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26 <sup>1</sup> At the time of this writing, the courthouse is closed to the public. The time or location of  
27 this conference will be updated if circumstances dictate.

28 <sup>2</sup> The contact information should be submitted via email to cpine@caed.uscourts.gov.

<sup>3</sup> If the case does not settle, the court will issue a discovery and scheduling order.

1 In accordance with the above, it is hereby ORDERED that:

2 1. This case is set for a settlement conference before Magistrate Judge Dennis M. Cota on  
3 February 25, 2021 at 9:30 a.m.

4 2. This action is stayed for 120 days to allow the parties an opportunity to settle their  
5 dispute before the discovery process begins. Except as provided herein or by subsequent court  
6 order, no other pleadings or other documents may be filed in this case during the stay of this  
7 action. The parties shall not engage in formal discovery, but the parties may elect to engage in  
8 informal discovery.

9 3. Within sixty days from the date of this order, defendants shall file any motion to opt  
10 out of the Post-screening ADR Project.

11 4. No later than thirty days prior to the settlement conference, defense counsel shall  
12 provide Judge Cota's Courtroom Deputy the email contact information for all parties that will be  
13 appearing at the settlement conference.

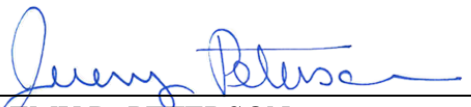
14 5. At least seven days prior to the settlement conference, each party shall submit a  
15 confidential settlement conference statement, as described above, to Magistrate Judge Cota.

16 6. If a settlement is reached at any point during the stay of this action, the parties shall file  
17 a Notice of Settlement in accordance with Local Rule 160.

18 7. The parties remain obligated to keep the court informed of their current addresses at all  
19 times during the stay and while the action is pending. Any change of address must be reported  
20 promptly to the court in a separate document captioned for this case and entitled "Notice of  
21 Change of Address." See E.D. Cal. L.R. 182(f).

22  
23 IT IS SO ORDERED.

24 Dated: December 18, 2020

25   
26 JEREMY D. PETERSON  
27 UNITED STATES MAGISTRATE JUDGE  
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